

3:21-mj-00024

STATE OF OREGON)
) ss. AFFIDAVIT OF NATHAN A. TOBEY
County of Multnomah)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Nathan A. Tobey, being duly sworn, hereby depose and state as follows:

Introduction

1. I am a Detective employed by the Portland Police Bureau and have been so employed since December 1998. I am also a Task Force Agent with the Federal Bureau of Investigation (FBI) and have been so assigned since November 2018. I am currently assigned to the Portland Division of the FBI where I investigate computer-related crimes involving children. I have received training in the investigation of computer, telecommunications, and other technology crimes. Since November 2018, I have been involved in the investigation of matters involving the sexual exploitation of children, including the online sexual exploitation of children, in violation of Title 18, United States Code (U.S.C.), Sections 2251, 2252A, and 2422. I am part of the Child Exploitation Task Force (CETF), which includes FBI Special Agents and Task Force Officers. CETF is an intelligence-driven, proactive, multi-agency investigative initiative to combat the proliferation of child pornography/child sexual exploitation facilitated by an online computer and other aspects of child exploitation.

2. I submit this affidavit in support of a criminal complaint and arrest warrant charging ROLANDO DANIEL BENITEZ with one count each of production of child pornography, in violation of 18 U.S.C. § Section 2251(a); advertising child pornography, in violation of 18 U.S.C. § 2251(d)(1)(A); receiving child pornography, in violation of 18 U.S.C. § 2252A(a)(2); and possessing child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B).

3. This affidavit is intended to show only that there is sufficient probable cause for the requested criminal complaint and does not set forth all of my knowledge about this matter. The statements contained in this affidavit are based upon the following: my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; my review of records related to this investigation; communications with others who have knowledge of the events and circumstances described herein; and information gained through my training and experience.

Applicable Law

4. a. 18 U.S.C. § 2251(a) makes it unlawful to knowingly employ, use, persuade, induce, entice, or coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct or transmitting a live visual depiction of such conduct, if the defendant knows or has reason to know the visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or if the visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if the visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce.

b. 18 U.S.C. § 2251(d)(1)(A) makes it unlawful for any person to knowingly make, print, or publish, or cause to be made, printed, or published, any notice or advertisement seeking or offering to receive, exchange, buy, produce, display, distribute, or reproduce, any visual depiction, if the production of such visual depiction involves the use of a minor engaged in sexually explicit conduct and such visual depiction is of such conduct.

c. 18 U.S.C. § 2252A(a)(2)(A) makes it a crime to knowingly receive child pornography using any means or facility of interstate or foreign commerce, or that has been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

d. 18 U.S.C. § 2252A(a)(5)(B) makes it a crime to knowingly possess or access with intent to view child pornography that has been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that were mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer. The term “child pornography” is defined in 18 U.S.C. § 2256(8). The term “sexually explicit conduct” is defined in 18 U.S.C. § 2256(2).

Statement of Probable Cause

Initial Investigation of CyberTipline Report

5. On December 17, 2019, I reviewed CyberTipline Report 61180648, which was submitted to the National Center for Missing and Exploited Children (NCMEC) by Minor Victim #1 (“MV1”). MV1 is a female who was born on XX/XX/2002. MV1 reported the following, which is copied exactly from the CyberTipline Report (punctuation and grammar are as they appear in the report):

“This man is 26 years old his name is (Roland Daniel Benitez) and lives in Seattle which he told me! And has a (baby) daughter!! He travels from there to Portland to meet up with under aged girls to have sex with them and post it online! (On the Snapchat story) I have seen them! He uses Snapchat to tell girls in Local

Highschools that he is 15 years old and plans meets ups with girls ages 14 and older he has met up with LOTS of under aged girls in his car mainly in Gresham, OR!! I have told some of the girls about his true identity but he is still doing the same thing to other girls most likely! His ACTUAL phone Number is (#503-453-0283) please stop this man!!”

6. CyberTipline Reports are received and compiled by NCMEC, which is the national clearing house for child exploitation reports. The reports can be initiated by anyone. Most of the reports that I review involving online child exploitation are initiated by electronic service providers such as Google and Facebook when they discover child exploitation material on their platforms. However, I occasionally review CyberTipline Reports that are initiated by citizens such as MV1.

7. I spoke with MV1 on December 26, 2019. MV1 told me she met BENITEZ on the social media application Snapchat in July 2019. MV1 stated she was 17 years old at the time. BENITEZ used the name “Marcos” and claimed he was 16 years old. MV1 informed BENITEZ she was only 17 years old. MV1 stated BENITEZ even suggested to her at one point that they should wait until she was 18 years old before they engaged in a sexual relationship.

8. MV1 stated she had a sexual relationship with BENITEZ when she was 17. MV1 said BENITEZ was having sexual relationships with other underage girls and posting videos of himself having sex with those girls on his private Snapchat stories. MV1 personally saw the videos on BENITEZ’s Snapchat stories.

9. MV1 said she later learned BENITEZ was 26 years old and that he had a child with another woman. MV1 confronted BENITEZ, who admitted that he lied to her about his age

and identity. MV1 stated BENITEZ had different Snapchat user names, but one name she recalled him using was “Marcos503nunes.”

10. MV1 sent me screen shots of some of her text communications with BENITEZ. MV1 also sent me copies of photos showing her and BENITEZ together. The male in the images matched BENITEZ’s driver’s license photo. MV1 said BENITEZ drove a red car, although she did not know the make or model.

11. MV1 stated she knew BENITEZ was involved in a sexual relationship with a 14-year-old girl who had the Snapchat user name “janetdxoxo,” who is identified herein as Minor Victim 2 (“MV2”). MV2 told MV1 that MV2 had sexual intercourse with BENITEZ. MV1 told MV2 about BENITEZ’s true name and age. MV1 had no contact information for MV2 other than MV2’s Snapchat user name.

12. I learned that the phone number 503-453-0283 is serviced by T-Mobile. I sent them an administrative subpoena to obtain subscriber information for that phone number. They provided the following subscriber information:

Name: Rolando Benitez

Address: 4481 NE 133rd Ave, Portland, OR 97230

I queried BENITEZ’s name in a regional law enforcement database and found an individual named ROLANDO DANIEL BENITEZ with a date of birth of XX/XX/1993. I queried files maintained by the Law Enforcement Data System (LEDS) and Oregon Department of Motor Vehicles and I learned BENITEZ has a suspended Oregon driver’s license which lists his date of birth as XX/XX/1993 and his home address as 4481 NE 133rd Ave, Portland, OR 97230. I obtained a copy of BENITEZ’s Oregon driver’s license photograph.

13. I recall investigating BENITEZ in 2014 for having a sexual relationship with a 14-year-old girl. The investigation began after the girl told her school counselor that she believed she was pregnant following a sexual relationship with BENITEZ. When I interviewed the girl, she told me she did not want to participate in a criminal investigation or tell me anything about her relationship with BENITEZ. I suspended my investigation at that time. BENITEZ was 21 years old at the time of that investigation.

14. On January 2, 2020, Multnomah County Circuit Court Judge Amy Baggio issued an Oregon state search warrant requiring Snapchat to provide the contents of MV1's, MV2's and BENITEZ's Snapchat accounts. I executed the search warrant by sending it to Snapchat via email on that same day.

15. On January 29, 2020, I downloaded responsive records from Snapchat. I saw that MV1 had sexually explicit images of herself in her Snapchat account, as well as a video that appeared to be a male having sexual intercourse with her. Some of the sexually explicit images showed MV1's exposed breasts with the name "Marcos" written across them in black ink. Some of the images and videos showed MV1 shaking her exposed breasts. Her vagina was visible in some of the images.

16. The video of MV1 having sexual intercourse was dated September 1, 2019. I was able to identify the date based upon the video title provided by Snapchat, which contained the date the file was saved to the account. The words "BoobsPussy&Sex 16h ago by Marcos" appear across the top of the video. The writing appeared consistent with Snapchat videos. The video showed a man's penis entering MV1's vagina. MV1 confirmed that was a video of her having sexual intercourse with BENITEZ. MV1 was 17 years old at the time the video was created and distributed on Snapchat. From examining the video and speaking with MV1 I have

probable cause to believe BENITEZ distributed this video by posting it to his “Stories” on Snapchat or sending it directly to MV1 via private message. The indicators at the top of the video show that BENITEZ had been in possession of the video since it said “16h ago by Marcos” at the top. The term “16h ago” indicates that the video had been either posted or sent to MV1 16 hours prior to MV1 saving it to her Snapchat “Memories.”

17. In reviewing MV2’s Snapchat account, I was able to positively identify her from information she posted, which included pictures of her high school student identification card and her class schedule. I spoke with Gresham Police Officer Jarom Sweazey, who is a school resource officer for Centennial High School. Officer Sweazey confirmed that MV2 was 14 years old and provided me with her contact information.

18. MV2’s Snapchat account included photos of MV2 with BENITEZ. I also saw communication between MV2 and her friends from July and August 2019, in which she discussed being in a sexual relationship with “Marcos.” MV2 told her friends that BENITEZ recorded their sexual encounter on his phone. MV2 also discussed having a “threesome” involving her, BENITEZ, and MV1 in August 2019. I spoke with MV1 by phone and she confirmed that she did have a sexual encounter with BENITEZ and MV2.

19. On February 6, 2020, Detective Meng Lin (another FBI Task Force Officer), FBI Victim Support Specialist Shannon Meyer, and I went to MV2’s home. I confirmed that MV2 was still 14 years old at that time.

20. MV2 told us she met BENITEZ on Snapchat. He used the name “Marcos” and claimed he was 15 years old. MV2 stated she was involved in a sexual relationship with BENITEZ in July and August 2019. MV2 stated she later learned from MV1 that BENITEZ was

really 26 years old. MV2 identified BENITEZ's driver's license photo as the person she knew as "Marcos."

21. MV2 stated she went on a date with BENITEZ in July 2019. She met BENITEZ at a park near her house. BENITEZ picked her up in a red car, which surprised her because he had told her he was too young to drive. MV2 stated BENITEZ then drove her to a gravel road between the Portland Airport and the Columbia River. MV2 stated BENITEZ talked her into getting into the backseat of his car. MV2 stated BENITEZ put blankets up over the windows to provide concealment. MV2 stated BENITEZ then had vaginal intercourse with her. MV2 stated she was a virgin at that point. MV2 stated BENITEZ used his phone to take pictures of her exposed body and to take video of them having sex. MV2 stated BENITEZ later posted the video of them having sex on his private Snapchat story.

22. MV2 stated that a few weeks after their date BENITEZ told her that he wanted to have a "threesome" with her and MV1. MV2 stated she agreed to have the threesome. MV2 stated she snuck out of her house and met MV1 and BENITEZ. MV2 stated BENITEZ drove them to his apartment. MV2 didn't know where BENITEZ's apartment was but she said it was a first floor apartment in the Portland area. MV2 stated they went to BENITEZ's bedroom, which he shared with his brother. MV2 stated she told BENITEZ she couldn't have sex because she was having her period. MV2 stated she did touch MV1 sexually and that BENITEZ recorded it with his phone. MV2 stated BENITEZ had sexual intercourse with MV1 in front of her. MV2 said BENITEZ then drove her home.

23. MV2 stated MV1 later contacted her and told her BENITEZ wasn't who he claimed to be. MV2 stated she hasn't had any additional contact with BENITEZ since the

“threesome.” MV2 was forensically interviewed at CARES NW, which is a child assessment center in Portland, Oregon.

24. I learned BENITEZ was arrested in Auburn, Washington, on January 31, 2020, for Rape of a Child. Auburn Police Detective Doug Faini, the lead investigator, told me that BENITEZ had a sexual relationship with a 12-year-old girl after meeting her on Snapchat. Detective Faini informed me BENITEZ claimed on Snapchat to be a teenager. Detective Faini told me BENITEZ had an iPhone in his possession when they arrested him. Detective Faini has since been able to unlock BENITEZ’s iPhone and extract data from it. Detective Faini said that BENITEZ’s phone only showed one iCloud account. Detective Faini said he would provide me with a copy of the data extracted from the phone, but we have not yet been able to meet up with each other, so I have not yet seen the extracted data.

25. On February 14, 2020, I sent an administrative subpoena to Apple to obtain subscriber information related to the name “Rolando Daniel Benitez,” the date of birth of XX/XX/1993, and the phone number 503-453-0283. On March 3, 2020, Apple provided information on several accounts linked to BENITEZ, which follows:

- a. Apple ID: rolexdecanela@icloud.com
 DS ID: 16579704184
 Name: Rolando Benitez
 Address: 2425 Poplar St SE #B, Auburn, WA 98092
 Phone: 503-453-0283
- b. Apple ID: rolandbenitez1993@icloud.com
 DS ID: 17058867850
 Name: Rolando Daniel Benitez
 Address: 3605 Auburn Way S Apt A3, Auburn, WA
 Phone: 503-453-0283
- c. Apple ID: ando_danny123@icloud.com
 DS ID: 16440971302
 Name: Rolando Benitez

Address: 2412 Poplar St SE Unit B
Auburn, WA
Phone: 503-452-0283

d. Apple ID: rolandobenitez1993@icloud.com
DS ID: 16908710002
Name: Rolando Benitez

e. Apple ID: rolandobenitez@yahoo.com
DS ID: 12216261544
Alias: andobenitez@icloud.com
Name: Rolando Benitez
Address: 2412 Poplar St SE #B, Auburn, WA
Phone: 503-453-0283

Apple iCloud Search Warrant

26. On March 26, 2020, U.S. Magistrate Judge Youlee You issued a warrant authorizing searches of the iCloud accounts listed above, and the seizure, review, and analysis of data stored within those accounts. I executed the search warrant on March 26, 2020, by sending the warrant to Apple electronically.

27. On April 8, 2020, I received responsive data from Apple. Once unzipped, there were 146 gigabytes of data in the accounts (29,633 files stored in 653 folders). Some of the responsive data were iPhone backups. I had to deliver those files to the Northwest Regional Computer Forensics Laboratory (NWR CFL) to have the files decoded and parsed. I received the decoded and parsed data from the NWR CFL in September 2020.

28. I began examining the data for evidence relevant to this investigation. I found thousands of relevant picture and video files. I found pictures and videos that appeared to have been produced by BENITEZ showing him engaged in sexually explicit conduct with children. I found pictures and videos BENITEZ solicited from children and received via Snapchat, which he

recorded using his phone. The pictures and videos created by BENITEZ and recorded by BENITEZ were uploaded from BENITEZ's iPhone to his iCloud accounts.

Evidence of Attribution (Rolando Benitez iCloud Accounts)

29. I found several pictures of BENITEZ stored in his iCloud accounts. I found pictures and videos of BENITEZ with his daughter. I found pictures and videos of BENITEZ at work and with his family and friends. There were pictures of BENITEZ in a red Mazda sedan which I know from having interviewed MV1 and MV2 was the car BENITEZ drove. There were pictures and videos showing BENITEZ engaged in sexually explicit conduct with various females of unknown ages. Lastly, there were iMessages stored in BENITEZ's iCloud accounts, in which BENITEZ identified himself as "Rolando" to the person he was communicating with.

30. BENITEZ also backed up his iPhone Notes to his iCloud accounts. Some of the notes contained the user names and passwords for some of the Snapchat accounts BENITEZ used to communicate with children. In the iCloud account rolexdecanela@icloud.com, BENITEZ had a note containing the following information about Snapchat accounts:

Snap PW: Danny123@

Snap: Marcosnunes_26

PW: Oregon503

Snap- M-marcosnunes15

PW: Oregon503

Production of Child Pornography

31. MV1 and MV2 stated that BENITEZ engaged in sexually explicit conduct with them and recorded that conduct using his cell phone. MV1 and MV2 stated BENITEZ later posted the pictures and videos of himself having sexual contact with the children on his private

Snapchat Story for his followers to view. I located many images and videos of BENITEZ engaged in sexually explicit conduct with MV1 and MV2 in BENITEZ's iCloud accounts.

32. I found two video files and two image files that appeared to depict MV2 engaged in sexually explicit conduct with BENITEZ. The image and video files are described as follows:

- a. File Name: ips-7FFCFCBF-E5C0-4035-951D-3500EA1AE6FE
Modified: July 27, 2019, at 3:26:06 PM
Description: This is a video file that is nine seconds long. The video shows a man's erect penis inserted into a Caucasian girl's vagina. The man is wearing a condom. The words "She's a virgin" are written across the image.
- b. File Name: ips-CD979AA8-82B5-4419-8F80-5AA4A1531412
Modified: July 27, 2019, at 3:26:16 PM
Description: This is a video file that is nine seconds long. This video shows a man's erect penis inserted into a Caucasian girl's vagina. The man is wearing a condom. The words "She's a virgin" are written across the image. This video is different than the previously described video but appears to depict the same people in the same setting.
- c. File Name: IMG_3823.JPG
Created: August 25, 2019, at 5:48:06 PM
Description: This is an image file showing a Caucasian girl lying on her back. The girl's vagina and right breast are exposed in the image. A man's erect penis is inserted into the girl's vagina. The words "She hella tight asf" are written across the image.
- d. File Name: IMG_3821.jpg
Created: August 25, 2019, at 5:48:06 PM
Description: This is an image file showing a Caucasian girl's exposed breasts. The girl is wearing a white sweatshirt. There are various emojis across the picture. When I examined MV2's Snapchat records, I saw pictures she sent of herself with BENITEZ to a friend the day she had sexual intercourse with BENITEZ. In that picture MV2 was wearing a white sweatshirt.

I went back to MV2's Snapchat chat records and saw that on July 27, 2019, at 4:23:29 PM PDT, MV2 sent a message to her friend saying she just returned home from a three-hour date with BENITEZ. The "modified" date/time from the videos described above appear to match the time

that MV2 said she was with BENITEZ. The “created” date on the two image files must correspond with some other type of activity associated with changes to the files.

33. On January 15, 2021, MV2 came to my office to examine the foregoing files. MV2 met with Portland Police Bureau Detective Katie Manus to examine the files since MV2 felt more comfortable looking at sexually explicit images with a female investigator. MV2 saw the four files described above and confirmed they were images of her the day she first had sexual contact with BENITEZ.

34. In two of BENITEZ’s iCloud accounts, I found 10 image files that appeared to depict MV1 and MV2 engaged in sexual contact with BENITEZ. MV1 and MV2 reported having a “threesome” with each other and BENITEZ on one occasion. The image files are described as follows:

- a. File Name: IMG_3780.jpg
Description: This is an image file showing a Caucasian girl with pink underwear and white socks laying on top of an African-American girl. The African-American girl is wearing a white bra and pink and gray underwear. The words “3 sum!” are written across the image.
- b. File Name: IMG_3781.jpg
Description: This is an image file showing a Caucasian girl and an African-American girl on their hands and knees on a bed with their buttocks facing the camera. The girls are wearing thong underwear. Peach emojis are written across the image.
- c. File Name: IMG_3782.jpg
Description: This is an image file showing a Caucasian girl and an African-American girl laying on a bed facing each other. The girls are in their bras and underwear and have their arms around each other and their legs intertwined.
- d. File Name: IMG_3783.jpg
Description: This is an image file showing a Caucasian girl and an African-American girl lying on their backs with no clothes on. The girls have their legs spread and their knees pulled up towards their chests so that their vaginas are visible to the camera. The girls’ breasts are also visible in the picture. There are various emojis written across the picture.

- e. File Name: IMG_3784.jpg
Description: This is an image file showing a Caucasian girl and an African-American girl on their hands and knees with their buttocks facing the camera. The girls are not wearing pants or underwear, and their vaginas and anuses are visible to the camera. Peach emojis are written across the image.
- f. File Name: IMG_3785.jpg
Description: This is an image file showing a Caucasian girl and an African-American girl lying on either side of a male on a bed. The male is only wearing a pair of white Jockey brand boxer brief underwear.
- g. File Name: IMG_3786.jpg
Description: This is an image file showing a Caucasian girl and African-American girl lying on either side of a male. The Caucasian girl's exposed breast is visible in the picture and is resting against the male's chest. The girls have their hands on the man's covered penis. The man is wearing Jockey brand boxer brief underwear.
- h. File Name: IMG_3787.jpg
Description: This is an image file showing an African-American girl lying on her back with her legs spread. The girl is naked and her vagina is visible in the picture. A naked Caucasian girl is straddling the African-American girl's chest. The Caucasian girl's vagina and anus are visible in the picture. A male has his erect penis near the African-American girl's vagina.
- i. File Name: IMG_3788
Description: This is an image file showing a naked African-American girl lying on her back. Her breasts and vagina are visible. A man has his erect penis touching the girl's vagina. A Caucasian girl is lying next to the African-American girl. One of the Caucasian girl's breasts is exposed.
- j. File Name: IMG_3795.jpg
Description: This is an image file showing a naked African-American girl lying on her back with her legs spread. The girl's breast and vagina are visible in the picture. A man's erect penis is resting on the girl's vagina. A Caucasian girl is lying next to the African-American girl. The Caucasian girl has her hand on the African-American girl's exposed breast. One of the Caucasian girl's breasts is exposed.

35. Detective Katie Manus showed these 10 image files to MV2. MV2 confirmed that the images showed her and MV1 engaged in sexually explicit conduct with BENITEZ. I later found a video file which appeared to have been edited and created to be uploaded to

Snapchat that documented BENITEZ preparing for then engaging in sexual contact with MV1 and MV2. The description of the video is as follows:

File Name: sstg-21C28C54-8DA0-419A-A2CB-1A1877CE0ED5.mp4
 Created: 8/11/2019, at 10:08:16 PM PDT
 Description: This video file is 3:55 long. The video begins with BENITEZ taking a picture of himself in the mirror. The words, "Bout to shower for everyone asking when's the 3 sum it will be later tonight," are written across the image. Then the video shows a picture of sex toys with the words, "Thinking of getting something for the threesum today," written across the image. The video then shows a question BENITEZ received from a follower with his response. The follower asked, "You fucked a girl last night and you fucked one today and your having a 3 sum later tonight? Holy shit." BENITEZ replied, "Yeah I'm fucking a lot cause school bout to start and I won't to be able to do it once it starts." The video then showed the 10 still images described above. The video also showed actual video of BENITEZ inserting his penis into MV1's vagina while MV1 and MV2 were kissing each other. The last scene showed BENITEZ having vaginal intercourse with MV1 while MV1 was lying on her back. MV2 was rubbing MV1's vagina with her hand while BENITEZ was having vaginal intercourse with her. BENITEZ's penis then came out of MV1's vagina and MV2 started rubbing his penis with her hand.

I re-examined MV2's Snapchat communication records. On August 12, 2020, MV2 sent a message to her friend saying she was just involved in a threesome. The "modified" date from the video described above may correlate to the approximate date/time of the sexual contact.

Advertising Child Pornography

36. MV1 and MV2 both reported that BENITEZ had various Snapchat accounts and that he posted videos of himself having sex with girls on his private stories on Snapchat. MV1 and MV2 both stated that BENITEZ only allowed girls to join and view his private Snapchat stories after the girls sent sexually explicit images of themselves to him. MV1 and MV2 stated BENITEZ advertised that his followers who shared sexually explicit images of themselves with him would be able to see exclusive content, which included him having sexual contact with girls.

37. I found evidence corroborating MV1's and MV2's statements about how BENITEZ used his Snapchat accounts. There was a video file titled "sstg- D6406521-058F-

43CF-9302-3DEEC166B2DD.mp4” (created September 8, 2019, at 2:18:16 AM) that was from BENITEZ’s Snapchat account. The video began with MV1’s exposed breasts and the words “Marcos” written across her breasts. The video then had a slide that stated BENITEZ was closing his Snapchat account but that he created a new account “@m-marcosnunes15.” The video then showed a girl performing oral sex on BENITEZ in his vehicle. After the video of BENITEZ receiving oral sex was a picture of BENITEZ’s new Snapchat account with the words, “Go add my new snap and ask how to join my private just posted vids and pics of me getting head on private.”

38. There was another video file from one of BENITEZ’s Snapchat accounts discussing exclusive content available to members of his private group. The video file was titled “sstg-0698F1E2-07B8-492C-AB37-0DD4FA10DDF3.mp4” (created August 4, 2019, at 11:36:58 PM). The video showed various clips of BENITEZ having sexual intercourse with an unknown Caucasian girl. There were then several pictures of BENITEZ lying in bed with his erect penis showing. BENITEZ then posted a slide that read, “Sooooo last night after I had sex I did sum CRAZY asf and recorded it so s/u if you wanna know cause it’s to wild to post on here.” I know from reading BENITEZ’s posts that “s/u” means swipe up. Snapchat added a feature called “Yolo” to its platform which is activated by swiping up on a Snapchat page. “Yolo” then allows a user to communicate directly with the Snapchat account holder. BENITEZ used “Yolo” to field questions from followers and to communicate instructions on how to access private content. BENITEZ also added a slide that read as follows:

If your reading this is means your on my special private ‘Sex&Freaks” and just wanted y’all to know that y’all the best and always give me good compliments and get me so hard at random place and also YOU ARE allowed to save ss and sr anything I sent you or post is a perk of being on this private.

“SS” means screen shot and “SR” means screen record. These are methods people use to save a copy of a picture or video they either receive in a private message or see in a post on Snapchat.

39. BENITEZ created several videos of his answers to “Yolo” questions he received on Snapchat. Two videos titled “sstg-53504616-3938-45A0-906B-7B62E3C9A47.mp4” (created August 14, 2019, at 7:04:27 PM) and “sstg-0AD9BE59-E76D-4004-AA5F-2EDA7452DBE.mp4” (created August 10, 2019, at 6:31:42 AM) contain answers provided by BENITEZ relevant to this section. BENITEZ stated that he only permits girls to join his private Snapchat group. BENITEZ stated the rules are that the girl must send him a picture of her exposed breasts, vagina, or buttocks to be accepted to his private group. BENITEZ stated the girl must take a Snap picture, not use a picture from their camera roll. BENITEZ presumably created this rule to prevent girls from obtaining a picture of exposed breasts from the internet and attempting to use that to gain access to the group. BENITEZ added that girls must write “Marcos” across their breasts and include a picture of their face if they have a new Snapchat account. BENITEZ stated there was no minimum age girls had to be to join his group. BENITEZ said any girl could join his group so long as she followed the rules.

Receiving and Possessing Child Pornography

40. BENITEZ repeatedly advertised that in order to be accepted into his private group girls needed to send him sexually explicit images of themselves. I found thousands of image and video files in BENITEZ’s iCloud account that appeared to be sexually explicit images of children that he received via Snapchat. BENITEZ used the screen recording feature on his iPhone to record sexually explicit image and video files he received from children. When someone uses the screen record feature on the iPhone the recording captures everything that is on

the user's screen. In many cases I could see that BENITEZ was in the Snapchat application and that he was opening a message from a specific user.

41. BENITEZ received several videos from a Snapchat user named "Carina." Carina is a Caucasian girl with dark brown hair who appears to be 10-12 years old. Carina sent several videos of herself masturbating to BENITEZ, which BENITEZ screen recorded. The video files from the Carina series had created dates ranging from August 6, 2019, to September 6, 2019.

42. There was a video file with a created date/time of September 6, 2019, at 2:52:22 AM PDT titled "RPreplay_Final1567736722.mp4" that was a screen recording of a Snapchat video call between BENITEZ and Carina. The video showed Carina taking a shower. Her breasts, vagina, and anus were all visible at various times during the video. She also masturbated during the video. There was a picture-in-picture at the bottom of the video that at one point showed BENITEZ's face. At one point during the video call BENITEZ typed a message to the girl that read, "finger ur ass bb." BENITEZ received several other sexually explicit videos from Carina. I have not yet identified Carina.

43. BENITEZ received a series of sexually explicit videos from a Snapchat user whose username is "Chloe." Chloe is a Caucasian girl who appears to be 12-13 years old. When I first interviewed MV2, she told me she saw pictures and videos on BENITEZ's camera roll, including pictures of a girl named Chloe who MV2 knew. I do not know if the Chloe featured in the Snapchat videos BENITEZ screen-recorded is the same girl MV2 was referring to. The Chloe series of videos were all created between July 5, 2019, and July 17, 2019. The videos showed Chloe naked and in several of the videos Chloe was rubbing her exposed vagina with her fingers.

BENITEZ's Sexual Interest in Children

44. I saw screen shots of BENITEZ's answers to several "Yolo" questions he received from his Snapchat followers. Several times followers asked BENITEZ how old he was. In every instance, he replied that he was 15 years old. In a screen recording video of BENITEZ providing answers to "Yolo" questions (sstg-ECF2AF86-607A-493D-A619-B55654475BD.mp4, created September 15, 2019, at 10:50:19 PM), BENITEZ was asked the age of the youngest person he ever had sex with. BENITEZ replied that the youngest was 13 years old. BENITEZ regularly purported to be a high school student. BENITEZ also stated he didn't care how young a girl was who wanted to provide sexually explicit images of herself, so long as she followed the rules to join his private group.

Venue


45. MV1 and MV2 both stated they were living in Gresham, Oregon, during the time they were communicating with BENITEZ and engaged in a sexual relationship with him. MV2 stated the first time she had sexual contact with BENITEZ was on a gravel road near Portland International Airport. MV2 stated the last time she had sexual contact with BENITEZ was at an apartment in Portland, Oregon. MV2 stated the apartment was a ground floor apartment. During my investigation I learned BENITEZ used to live at 4481 NE 133rd Ave, Portland, Oregon 97230. I went to that address and confirmed that it is a ground floor apartment. Based upon the information available to me, I have probable cause to believe the crimes under investigation all occurred within the District of Oregon.

Conclusion

46. Based on the foregoing information, I have probable cause to believe that on or between July 1, 2019, and September 15, 2019, ROLANDO DANIEL BENITEZ knowingly and

unlawfully produced, advertised, received, and possessed child pornography that had been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Sections 2251(a), 2251(d)(1)(A), 2252A(a)(2), and 2252A(a)(5)(B). I therefore respectfully request that the Court issue a criminal complaint and arrest warrant charging ROLANDO DANIEL BENITEZ with those offenses.

47. This affidavit, the accompanying criminal complaint, and the requested arrest warrant were all reviewed by Assistant United States Attorney Gary Sussman prior to being submitted to the Court. AUSA Sussman informed me that in his opinion, this affidavit is legally and factually sufficient to establish probable cause to support the issuance of the requested complaint and arrest warrant.

(By telephone) 

NATHAN A. TOBEY
Task Force Officer
Federal Bureau of Investigation

Sworn to by telephone or other reliable means in accordance with Fed. R. Crim. P. 4.1(a)

at 3:59 am/pm on January 26, 2021.


HONORABLE JOHN V. ACOSTA
United States Magistrate Judge